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Paul H. Ginsburg			EXAMINER	
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235 East 42nd Street New York, NY 10017-5755			ART UNIT	PAPER NUMBER
			1615	
			DATE MAILED: 09/24/2002	4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)			
Any E Pulliam The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edutement of the mapy be available unter the provisions of 3 CPR 1.13(a). In no event, however, may a reply be limely filed the period for reply specified above is less than theiry (30) days, we play with the stablety minimum of theiry (30) days will be considered timely. If the period for reply specified shows its fees than theiry (30) days, we play within the stablety minimum of theiry (30) days will be considered timely. If NO period for reply specified shows the manufactor of 10 cmps of 10		09/912,774	DE RASPIDE ET AL.			
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	Attachment(s)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal F				

Art Unit: 1615

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. A composition, method of making the composition, and method of using the composition, wherein the composition contains a core of eletriptan coated with a water soluble coating.
- II. A composition, method of making the composition, and method of using the composition, wherein the composition contains a seed with eletriptan and additives coated thereon.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy E Pulliam whose telephone number is 703-308-4710. The examiner can normally be reached on Mon-Thurs 7:30-5:00, Alternate Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 703-308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3592 for regular communications and 703-305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

> Amy E. Pulliam Patent Examiner Art Unit 1615

September 23, 2002

TECHNOLOGY CENTER 1600